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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/655,705	09/06/2000	Norikazu Sugiyama	28503.20058.00	3874

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MORRISON & FOERSTER, LLP  
555 WEST FIFTH STREET  
SUITE 3500  
LOS ANGELES, CA 90013-1024

EXAMINER

HASSANZADEH, PARVIZ

ART UNIT	PAPER NUMBER
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1763

DATE MAILED: 02/25/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/655,705

Applicant(s)

SUGIYAMA ET AL.

Examiner

Parviz Hassanzadeh

Art Unit

1763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 July 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-4, 12, 14-17 and 25 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a tapered depth (h) being set to be not less than half of the slit depth (H) and preferably three fourths of the slit depth (H) (see specification page 11, line 27 through page 12, line 22), does not reasonably provide enablement for the tapered depth (h) being equal to the slit depth (H). The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. The specification does not suggest or describe a slit having a tapered surface extending all the way to the bottom of the slit. According to the specification, particularly the drawings, the slit having a perpendicular surface at the bottom.

Claims 1, 2, 5, 6, 10-15, 18, 19, 23-26 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for slits 120a extending or arranged in radial directions of the baffle plate 120 (see specification page 11, lines 1-9), does not reasonably provide enablement for the slits being arranged in any other patterns on the baffle plate. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. The

Art Unit: 1763

specification does not suggest or describe slits being arranged in a non-radial direction such as being on a circle surrounding a substrate.

Claims 1-26 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for tapered surface 132 extending in the radial direction of the baffle plate 120 on either side of the slit 1202 as shown in Fig. 4A and Fig. 10A (see specification page 11, line 27 through page 12, line 22), does not reasonably provide enablement for the slits being tapered on only one side. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. The specification does not suggest or describe slit being tapered only on one side.

Claims 1-26 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the tapered angle ( $\theta$ ) between the tapered surface 132 and a perpendicular 136, a line crossing the open ends 132a and 134 at right angles, falls within the range of  $5^\circ$  to  $30^\circ$  (see specification page 11, line 27 through page 12, line 22), does not reasonably provide enablement for the tapered angle being defined between the tapered surface and the perpendicular axis facing the exhaust passage. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. The specification does not suggest or describe any of the tapered surface being widening toward the exhaust passage.

Claims 5-7, 10, 11, 13, 18-20, 23, 24 and 26 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the tapered angle ( $\theta$ ) between the tapered surface 132 and a perpendicular 136, a line crossing the open ends 132a and 134 at right

Art Unit: 1763

angles, falls within the range of 5° to 30°, that is, the slit is narrowing toward the exhaust passage (see specification page 11, line 27 through page 12, line 22), does not reasonably provide enablement for the tapered angle being widen toward the exhaust passage. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. The specification does not suggest or describe any of the tapered surface being widening toward the exhaust passage.

Claims 12, 13, 25 and 26 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The sloped surface of each slit or opening is smooth has not been disclosed in the specification (see specification page 11, line 27 through page 12, line 22) and further, it is not clear whether it means the sloped surface is waved smoothly or stepped smoothly or polished to minimized particle adhesion and deposition.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Parviz Hassanzadeh whose telephone number is (703)308-2050. The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Mills can be reached on (703)308-1633. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9310 for regular communications and (703)872-9311 for After Final communications.

Art Unit: 1763

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.



Parviz Hassanzadeh

Examiner

Art Unit 1763

February 21, 2003